

INTERNET
FORM NLRB-001
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case 5-CA-111667

Date Filed 8/19/13

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Delamor Enterprises, LP, d/b/a McDonalds / Delamor Management, Inc., d/b/a McDonalds		b. Tel. No. (717) 263-5641
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 1520 Lincoln Way East, Chambersburg, PA 17201	e. Employer Representative (b) (6), (b) (7)(C)	g. e-Mail
		h. Number of workers employed +50
i. Type of Establishment (factory, mine, wholesaler, etc.) Fast Food Restaurant	j. Identify principal product or service Expedited and low-priced food	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (11st subsections) 8(a) et. seq. of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

I was employed by Delamor Enterprises, d/b/a McDonalds for approximately (b) (6), (b) (7)(C) years. I was terminated in (b) (6), (b) (7)(C) of 2013. The reason given for my termination was violating a social media policy of making posts on facebook. However, any concerns I expressed were related to work conditions and were in communications with other employees about same. For example, I had expressed concerns to management about being forced to work instead of being allowed to use requested vacation time, and I was also not being paid all of my overtime. I believe I was terminated for expressing such concerns and for engaging in concerted activity.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C) [to be contacted through counsel, Karpf,
Karpf & Cerutti, PC - 3331 Street Road, Bldg. 2, Ste. 128, Bensalem, PA 19020]

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

(b) (6), (b) (7)(C)

STATEMENTS are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(Print type name and title or office, if any)

Tel. No.

Office, if any, Cell No.

Fax No.

e-Mail

Address

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74042-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

CJB

CHARGE ASSIGNMENT SHEET (EMPLOYER)

Case No.: 5- <u>CA 111667</u>		CASE NAME: <u>Delmar Enterprises, LP d/b/a McDonald's / Delmar Management Inc d/b/a McDonald's</u>	
DATE FILED: <u>8/19/13</u>		CATEGORY: <input type="checkbox"/> I <input type="checkbox"/> II <input checked="" type="checkbox"/> III	
Potential 10(j) <u>no</u>	8(a)(2) (indicated name of union):	# discriminatees 8(a)(3):	# of Employees (if not currently on charge) <u>50</u>
IO charge? Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>		Dispute City: <u>Chambersburg</u> Dispute State: <u>PA</u>	
COMMENTS: <u>CE represented by Karpf, Karpf & Casutti PC.</u> <u>6y</u> <u>counsel</u> <u>use name</u> (b) (6), (b) (7)(C) <u>at this</u>		Barg Status: <input type="checkbox"/> Existing Contract <input type="checkbox"/> Expired Contract <input type="checkbox"/> Initial Contract <input checked="" type="checkbox"/> None <input type="checkbox"/> Organizational Campaign <input type="checkbox"/> Succeeding Contract	
SUPERVISOR: <u>NMS</u> <u>time</u>		AGENT: <u>Dean</u>	
8(a)(1)		8(a)(4)	
<input type="checkbox"/> Coercive Actions (Surveillance, etc) <input type="checkbox"/> Coercive Rules <input type="checkbox"/> Coercive Statements (Threats, Promises of Benefits, etc.) <input checked="" type="checkbox"/> Concerted Activities (Retaliation, Discharge, Discipline) <input type="checkbox"/> Denial of Access <input type="checkbox"/> Discharge of supervisor (Parker-Robb Chevrolet) <input type="checkbox"/> Interrogation (including Polling) <input type="checkbox"/> Lawsuits <input type="checkbox"/> Weingarten		<input type="checkbox"/> Changes in Terms and Conditions of Employment <input type="checkbox"/> Discharge (including Layoff and Refusal to Hire) <input type="checkbox"/> Discipline <input type="checkbox"/> Refusal to Reinstate Employee/Striker <input type="checkbox"/> Shutdown or Relocate/ Subcontract Unit Work	
8(a)(2)		8(a)(5)	
<input type="checkbox"/> Assistance <input type="checkbox"/> Domination <input type="checkbox"/> Unlawful Recognition		<input type="checkbox"/> Alter Ego <input type="checkbox"/> Failure to Sign Agreement <input type="checkbox"/> Refusal to Bargain/Bad Faith Bargaining (incl'g surface bargaining/direct dealing) <input type="checkbox"/> Refusal to Furnish Information <input type="checkbox"/> Refusal to Hire Majority <input type="checkbox"/> Refusal to Recognize <input type="checkbox"/> Repudiation/Modification of Contract[Sec 8(d)/Unilateral Changes <input type="checkbox"/> Shutdown or Relocate (e.g. First National Maint.) Subcontract Work	
8(a)(3)		8(e)	
<input type="checkbox"/> Changes in Terms and Conditions of Employment <input type="checkbox"/> Discharge (Including Layoff and Refusal to Hire (not salting)) <input type="checkbox"/> Discipline <input type="checkbox"/> Lockout <input type="checkbox"/> Refusal to Consider/Hire Applicant (salting only) <input type="checkbox"/> Refusal to Reinstate E'ee/Striker (e.g. Laidlaw) <input type="checkbox"/> Retaliatory Lawsuit <input type="checkbox"/> Shutdown or Relocate/ Subcontract Unit Work <input type="checkbox"/> Union Security Related Actions		<input type="checkbox"/> All Allegations against a Labor Organization <input type="checkbox"/> All Allegations against an Employer	

Given 8/20/13 4:05 pm

X WBM proofed

1-882138927



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
BANK OF AMERICA CENTER, TOWER II
100 S. CHARLES STREET, STE 600
BALTIMORE, MD 21201

Agency Website: www.nlrb.gov
Telephone: (410)962-2822
Fax: (410)962-2198

August 22, 2013

(b) (6), (b) (7)(C)

Delamor Enterprises, LP, d/b/a
McDonalds/Delamor Management, Inc.,
d/b/a McDonalds
1520 Lincoln Way East
Chambersburg, PA 17201

Re: Delamor Enterprises, LP, d/b/a
McDonalds/Delamor Management, Inc.,
d/b/a McDonalds
Case 05-CA-111667

Dear **(b) (6), (b) (7)(C)**

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Bisi Dean whose telephone number is (410) 962-0179. If Bisi Dean is not available, you may contact Supervisory Field Examiner Nathan M. Seidman whose telephone number is (410) 962-2740.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as

possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

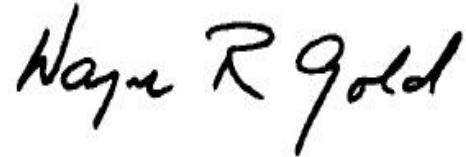
Delamor Enterprises, LP, d/b/a
McDonalds/Delamor Management, Inc.,
d/b/a McDonalds
Case 05-CA-111667

- 3 -

August 22, 2013

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Wayne R Gold". The signature is written in a cursive, slightly slanted style.

Wayne R. Gold
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Delamor Enterprises, LP, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds

CASE NUMBER

05-CA-111667

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC****A. STATE OF INCORPORATION OR FORMATION****B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES****4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)**YES NO**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (*Check the largest amount*)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (*If yes, name and address of association or group.*)**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRENAME AND TITLE (*Type or Print*)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**DELAMOR ENTERPRISES, LP, D/B/A
MCDONALDS/DELAMOR MANAGEMENT,
INC., D/B/A MCDONALDS**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 05-CA-111667

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 22, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Delamor Enterprises, LP, d/b/a
McDonalds/Delamor Management, Inc.,
d/b/a McDonalds
1520 Lincoln Way East
Chambersburg, PA 17201

August 22, 2013

Date

Cursha Bentley, Designated Agent of
NLRB

Name

/s/ Cursha Bentley

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
BANK OF AMERICA CENTER, TOWER II
100 S. CHARLES STREET, STE 600
BALTIMORE, MD 21201

Agency Website: www.nlrb.gov
Telephone: (410)962-2822
Fax: (410)962-2198

August 22, 2013

(b) (6), (b) (7)(C)

(b) (6),

(b) (7)(C)

Karpf, Karpf & Cerutti, P.C.
3331 Street Road, Suite 128
Bensalem, PA

Re: Delamor Enterprises, LP, d/b/a
McDonalds/Delamor Management, Inc.,
d/b/a McDonalds
Case 05-CA-111667

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on August 19, 2013 has been docketed as case number 05-CA-111667. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Bisi Dean whose telephone number is (410) 962-0179. If Bisi Dean is not available, you may contact Supervisory Field Examiner Nathan M. Seidman whose telephone number is (410) 962-2740.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

August 22, 2013

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

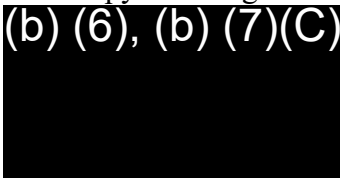
We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Wayne R. Gold
Regional Director

Enclosure: Copy of Charge

cc: (b) (6), (b) (7)(C)


From: [Dean, Bisi](#)
To: [Region 5, Baltimore](#)
Subject: FW: Delamor Enterprises, L.P, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds; 05-CA-11667
Date: Friday, August 23, 2013 4:07:49 PM

Please save this as NOA.05-CA-111667.ER. Please also update the Participant List. Thanks.

Bisi Oliana O. Dean

Field Examiner

National Labor Relations Board

Region 5 - Baltimore

From: Todd Shill [<mailto:TShill@Rhoads-Sinon.com>]

Sent: Friday, August 23, 2013 4:01 PM

To: Dean, Bisi

Subject: Delamor Enterprises, L.P, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds; 05-CA-11667

Bisi,

This follows our telephone conversation this am, wherein I informed you that I will be representing the Charged Party in this matter. Early next week, I will gather and email you information and documents concerning our defenses to the Charge. As I stated today, my client and I are more than happy to cooperate with your investigation so please let us know if there is something specific you are looking for us to provide. Do you still want me to provide a Notice of Appearance Form and Commerce Questionnaire? If so, I will send them early next week as well.

Have a good weekend, and I look forward to working with you to resolve this matter.

Todd J. Shill, Esq.

RHOADS & SINON LLP

One South Market Square | P.O. Box 1146 | Harrisburg, PA 17108

T: (717) 231-6665 (direct) | **T:** (717) 233-5731 (main) | **F:** (717) 260-4365

www.rhoads-sinon.com

Notice: This email transmission, including any attachments, may contain confidential information protected by the attorney-client or other legal privilege. Unauthorized use, distribution or copying is prohibited. If you received this email in error, please notify the sender by replying to this email or by calling Rhoads & Sinon LLP at 717.233.5731 and deleting the erroneous transmission from your system without copying it. Thank You.

" The United States Treasury Regulations and Circular 230 require all tax professionals to advise their clients that any U.S. federal tax advice contained in any written communications (including emails and attachments thereto) is not intended to be used, and cannot be used, by any recipient for the purpose of avoiding penalties that may be

imposed under federal tax laws. Furthermore, no statement contained herein should be used to promote, market or recommend any federal tax transactions to third parties.”

Any person reviewing this information, other than the intended recipient, is expressly advised to consult with their own independent tax advisor with respect to any tax advice contained herein.

To: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)

Date: (b) (6), (b) (7)(C) 13

This is a written warning for violating the social media policy and making threats towards the company employing you, as a (b) (6), you are trained to know the social media and enforce it with your employees. At Delamor Enterprises we have a zero tolerance for such willful misconduct and will not tolerate this, this results in your immediate termination. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

File



®

Delamor Enterprises
1520 Lincoln Way East
Chambersburg, PA 17202
(717) 263-5641
Fax: (717) 261-0552

Delamor Enterprises Social Media Policy

Use of Blogs and Social Networking Sites

The use of blogs and social networking sites such as MySpace, Facebook, Twitter, and LinkedIn have become important vehicles for individuals to communicate with others with similar interests, and Delamor Enterprises supports the right of its employees to interact on these sites. However, employees who use these communication vehicles—even on personal time using their own equipment—should be mindful that their postings could have an impact on Delamor Enterprises' business interests. Accordingly, employees are asked to use common sense and be aware that they are responsible for understanding and complying with this policy when participating in any external social networking platform. The following policy has been developed to help employees make appropriate decisions, whether participating in external blogs or social networking sites for professional or personal reasons.

Employees are not permitted to use or access blogs or social networking sites during business hours. Use of such sites during business hours may result in disciplinary action, up to and including termination of employment.

When posting to blogs or social networking sites:

1. Ensure that you are clear that the views you express are yours alone and do not reflect the views of Delamor Enterprises before making any posting that identifies you as an employee of the company. Your interactions may result in members of the public forming opinions of Delamor Enterprises employees.
2. Consider that Delamor Enterprises has spent considerable time and resources building its reputation and goodwill, which are valuable and important company assets. Before making any posting that identifies you as an employee of Delamor Enterprises, or identifies Delamor Enterprises itself, take into consideration whether your posting could damage the company's reputation.
3. Do not post or share information that is confidential and proprietary about Delamor Enterprises and/or its customers, contractors, vendors, or suppliers, such as financial information, non-public customer information, company strategy, information concerning employees, or any other information that has not been publicly released by Delamor Enterprises. This includes such things as Delamor Enterprises' logos, proprietary graphics, or photographs.

4. Be respectful and honor the privacy rights of others: speak respectfully about Delamor Enterprises' customers, employees, partners, and competitors. Avoid name calling or behavior that may reflect negatively on Delamor Enterprises' reputation.
5. Avoid unfounded or derogatory statements or misrepresentations.
6. Consider the privacy rights of other employees by seeking their permission before writing about them or displaying photographs or other representations related to others.
7. Do not defame or otherwise discredit Delamor Enterprises' vendors or competitors.
8. Do not post complaints or criticism in a manner that can be considered defamatory to Delamor Enterprises or its employees. You are more likely to resolve complaints about work by speaking directly with fellow employees or management rather than posting complaints online. Nothing in this policy, however, shall be construed or applied in a manner that interferes with the rights of employees under applicable federal or state law.

Consequences of Violations of This Policy:

Employees are personally responsible for their online activity. Failure to comply with this policy may lead to discipline up to and including termination. In all instances you are legally responsible for anything you post online. If appropriate, Delamor Enterprises will pursue all available legal remedies and may also report suspected unlawful conduct to appropriate law enforcement officials.

Nothing in this policy will be construed or applied in a manner that interferes with the rights of employees under applicable federal or state law.

Question: (b) (6), (b) (7)(C) If you have a question about this policy or its application, your question should be directed to your supervisor. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Date

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

12 hours ago via mobile

What's the point in having a vacation when your mandated to be at work anyways???? Just a little beyond pissed!!! — with

(b) (6), (b) (7)(C)

Like · Comment · Share

(b) (6), (b) (7)(C)

and 2 others like this.

View 3 more comments

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

you dont even know how fucking pissed i am right

3 hours ago via mobile · Like

(b) (6), (b) (7)(C)

I can only imagine

3 hours ago via mobile · Like · 1

(b) (6), (b) (7)(C)

Cause you know they like to hand you over and give it to you

are comments

(b) (6), (b) (7)(C) you dont even know how fucking pissed i am right now
hours ago via mobile · Like

(b) (6), (b) (7)(C) I can only imagine
hours ago via mobile · Like · 🍌 1

(b) (6), (b) (7)(C) Cause you know they like to bend you over and give it to you rough
hours ago via mobile · Like · 🍌 2

(b) (6), (b) (7)(C) Yea well just wait till i fuck them over once this vacation is over
hours ago via mobile · Like

Write a comment...

(b) (6), (b) (7)(C) JARED OMG, I CAN HEAR THE ICE CREAM TRUCK

3331 Street Road
Two Greenwood Square
Suite 128
Bensalem, PA 19020
Tel: (215) 639-0801
Fax: (215) 639-4970
kbeatty@karpf-law.com

August 28, 2013

SENT VIA U.S. MAIL

Bisi Oliana O.Dean
National Labor Relations Board
Region 5 – Baltimore
100 S. Charles Street, Suite 600
Baltimore, MD 21201

Re: (b) (6), (b) (7)(C) v. *Delamore Enterprises, LP et. al*

Dear Ms. Dean:

Enclosed, please find the original Confidential Witness Affidavit signed by (b) (6), (b) (7)(C).
(b) (6), (b) (7)(C), (b) (7)(D) With regards to the documents/information you requested, I am currently waiting for (b) (6), (b) (7)(C), (b) (7)(D) to provide me with the Unemployment Documents and termination letter. (b) (6), (b) (7)(C), (b) (7)(D) does not currently possess any pay stubs or statements. The names and contact information of the individuals that liked (b) (6), (b) (7)(C) Facebook post and (b) (6), (b) (7)(C) are as follows:

- 1)
- 2)
- 3)
- 4)
- 5)

(b) (6), (b) (7)(C)

If you need any further information from (b) (6), (b) (7)(C), (b) (7)(D) please do not hesitate to contact me.

Respectfully submitted,

KARPF, KARPF & CERUTTI, P.C.

Katie Pilgren Beatty
Katie A. Pilgren-Beatty, Esq.

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Delamor Enterprises, LP, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds

CASE NUMBER

05-CA-111667

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

Delamor Enterprises L.P.

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☒ OTHER (Specify) L.P.

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION PA

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

See Attached

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

FAST FOOD RESTAURANT

7. A. PRINCIPAL LOCATION:

B. BRANCH LOCATIONS:

1530 Lincoln Hwy E. Chambersburg PA

See Attached

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. Total:

511

B. At the address involved in this matter:

73

9. DURING THE MOST RECENT (Check appropriate box): ☒ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.

\$

YES

NO

X

B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.

\$

X

C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$

X

D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$

X

E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$

X

F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$

X

G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$

X

H. Gross Revenues from all sales or performance of services (Check the largest amount):

☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☒ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date:

X

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☒ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME:

TITLE:

E-MAIL ADDRESS:

TEL. NUMBER:

Todd Skill

Attorney

TSkill@Rhonda-Simon.com

717-233-5731

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

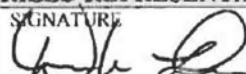
NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE:

Dennis W Lehman Controller



dlehman@delamorent.com

9/6/13

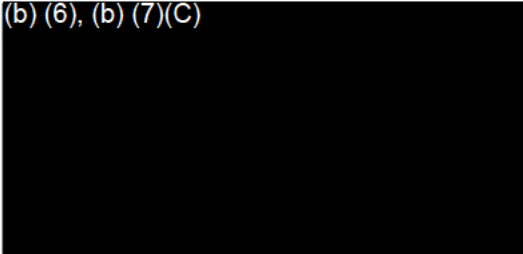
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

September 6, 2013

NLRB Questionnaire

#4. (b) (6), (b) (7)(C)



#7 B.

McDonald's Chambersburg
1075 Lincoln Way East
Chambersburg, PA 17201

McDonald's Breezewood
123 S. Breezewood Road
Breezewood, PA 15533

McDonald's Waynesboro
302 East Main Street
Waynesboro, PA 17268

McDonald's Bedford
95 Bedford Square Plaza
Everett, PA 15537

McDonald's N. Chambersburg
2891 Philadelphia Avenue
Chambersburg, PA 17201

McDonald's McConnellsburg
708 Lincoln Way West
Mercersburg, PA 17236

McDonald's Greencastle
721 Buchanan Trail East
Greencastle, PA 17225

McDonald's Mercersburg
11924 Buchanan Trail West
Mercersburg, PA 17236

McDonald's Scotland
3347 Black Gap Road
Chambersburg, PA 17201

McDonald's Bedford 2
4363 Business Route, Suite 2
Bedford, PA 15522

From: [Gold, Wayne R.](#)
To: [Seidman, Nathan M](#); [Shuster, Steven L](#); [Dean, Bisi](#)
Subject: FW: Delamor Enterprises, LP, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds; 05-CA-111667: FIR/Team (b) (5) Recommendation
Date: Wednesday, October 30, 2013 12:26:28 PM

Wayne Gold

Regional Director
NLRB Region Five
Bank of America Center, Tower II
100 S. Charles St., Suite 600
Baltimore, MD 21201
Tel: (410) 962-2737
Fax: (410) 962-2198

From: Fernbach, Karen P.
Sent: Wednesday, October 30, 2013 12:24 PM
To: Fernbach, Karen P.; Gold, Wayne R.
Subject: RE: Delamor Enterprises, LP, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds; 05-CA-111667: FIR/Team (b) (5) Recommendation

Wayne

(b) (5), (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

[REDACTED] If you have
any questions, give a call or e-mail. Thanks.

Karen

From: Fernbach, Karen P.
Sent: Wednesday, October 30, 2013 7:36 AM
To: Gold, Wayne R.
Subject: Re: Delamor Enterprises, LP, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds; 05-CA-111667: FIR/Team (b) (5) Recommendation

Wayne

I am working on it. (b) (5), (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

Sent from my iPhone

On Oct 29, 2013, at 1:28 PM, "Gold, Wayne R." <Wayne.Gold@nlr.gov> wrote:

Karen, have you had a chance to review our recommendation? Thanks!

Wayne

Wayne Gold
Regional Director
NLRB Region 5
100 S. Charles St., Suite 600
Baltimore, MD 21201
410-962-2737
410-962-2198 (fax)
wayne.gold@nrlb.gov

From: Seidman, Nathan M
Sent: Tuesday, October 29, 2013 1:26 PM
To: Gold, Wayne R.
Cc: Shuster, Steven L.; Dean, Bisi
Subject: RE: Delamor Enterprises, LP, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds; 05-CA-111667: FIR/Team (b) (5) Recommendation

Wayne,

If you get a chance, could you follow up on this with Region 2? This is an October case and Bisi and I would like to get it out this month if possible.

Thanks,

Nathan

From: Gold, Wayne R.
Sent: Monday, October 21, 2013 1:03 PM
To: Dunham, Geoffrey
Cc: Tursell, Beth; Shuster, Steven L.; Seidman, Nathan M; Dean, Bisi
Subject: FW: Delamor Enterprises, LP, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds; 05-CA-111667: FIR/Team (b) (5) Recommendation

Geoff, (b) (5), (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

[REDACTED]

Please advise how we should proceed.

Thanks, Wayne.

Wayne Gold

Regional Director
NLRB Region Five
Bank of America Center, Tower II
100 S. Charles St., Suite 600
Baltimore, MD 21201
Tel: (410) 962-2737
Fax: (410) 962-2198

From: Shuster, Steven L.
Sent: Friday, October 18, 2013 3:12 PM
To: Gold, Wayne R.
Subject: FW: Delamor Enterprises, LP, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds; 05-CA-111667: FIR/Team (b) (5) Recommendation

If you agree this recommendation needs to be sent to Region 2.

From: Seidman, Nathan M
Sent: Friday, October 18, 2013 3:03 PM
To: Shuster, Steven L.
Subject: FW: Delamor Enterprises, LP, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds; 05-CA-111667: FIR/Team (b) (5) Recommendation

Please review Bisi's FIR recommending (b) (5)

[REDACTED]

[REDACTED]

From: Dean, Bisi
Sent: Friday, October 18, 2013 2:59 PM
To: Seidman, Nathan M
Subject: Delamor Enterprises, LP, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds; 05-CA-111667: FIR/Team (b) (5) Recommendation

Nathan:

Please review the [FIR](#) in the above-captioned case and circulate it amongst the Agenda Committee. (b) (5), (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Bisi
Bisi Eliana O. Dean
Field Examiner
National Labor Relations Board
Region 5 - Baltimore
100 S. Charles Street, Suite 600

Baltimore, MD 21201
Ph: (410) 962-0179/Fax: (410) 962-2198
bisi.dean@nlrb.gov

C-CASE DISPOSITION FORM

FROM: bdean DATE: December 5, 2022

CASE NAME: Delamor Enterprises, LP, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds

CASE NUMBER: 05-CA-111667

SCOPE: ☒ **Full** ☐ **Partial:**

IF PARTIAL, CATS _____

allegations disposed _____

of by this action: _____

CATS _____

allegations _____

remaining: _____

DATE OF ISSUANCE OF DISMISSAL OR WITHDRAWAL OR DEFERRAL LETTER: _____

DISMISSAL WINDOW	DEFERRAL WINDOW
<p>ADJUSTED: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>DISMISSAL LANGUAGE: <input type="checkbox"/> Short form <input checked="" type="checkbox"/> Long form</p>	<p><input type="checkbox"/> COLLYER DEFERRAL: <input type="checkbox"/> Written <input type="checkbox"/> Verbal</p> <p>WILLINGNESS DATE: _____</p> <p><input type="checkbox"/> OTHER DEFERRAL: _____ (specify)</p> <p>DATE PROCESSING RESUMED: _____</p>
WITHDRAWAL WINDOW	SPIELBERG REVIEW WINDOW
<p>CONDITIONAL: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>SOLICITED: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ADJUSTED: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ORAL: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>IF ORAL, BY: _____</p> <p>DATE APPROVED BY RD: _____</p>	<p>DATE REVIEW REQUESTED: _____</p> <p>PARTY REQUESTING REVIEW: <input type="checkbox"/> Charging Party <input type="checkbox"/> Charged Party</p> <p>DETERMINATION: <input type="checkbox"/> Defer to Award <input type="checkbox"/> NOT Defer to Award</p> <p>DETERMINATION DATE: _____</p>
BOARD SETTLEMENT WINDOW	CLOSING INFORMATION WINDOW
<p>PARTICIPATION: <input type="checkbox"/> All Party <input type="checkbox"/> Unilateral</p> <p>If unilateral, date of letter to parties proposing approval: _____</p> <p>Proposed Approval Date: _____</p> <p>Date Approved by RD: _____</p>	<p>METHOD: <input type="checkbox"/> Withdrawal, Adjusted <input type="checkbox"/> Withdrawal, NOT Adjusted <input type="checkbox"/> Dismissal, Adjusted <input checked="" type="checkbox"/> Dismissal, NOT Adjusted</p> <p>TIMING: <input checked="" type="checkbox"/> Before CNH <input type="checkbox"/> After CNH, Before hearing <input type="checkbox"/> After CNH, After hearing opened <input type="checkbox"/> After CNH, After hearing closed</p>
EXPLANATION :	

The Charge alleges the Employer violated Section 8(a)(1) and (3) of the Act by terminating Charging Party, (b) (6), (b) (7)(C), an individual, in (b) (6), (b) (7)(C) 2013 because (b) (6), (b) (7)(C) posts on Face Book violated the Employer's social media policy. The post (b) (6) was terminated for read, "yeah well just wait til I fuck them over once this vacation is over." (b) (5), (b) (6), (b) (7)(C)

[REDACTED] (b) (5)

Charging Party Counsel did not contact the Region before 4:15 p.m. on October 31, 2013. As such, a long-form dismissal was processed.

APPROVED

Team Supervisor _____ Date _____ Regional Attorney _____ Date _____

Asst Regional Director _____ Date _____ Regional Director _____ Date _____

C-CASE DISPOSITION FORM

FROM: bdean DATE: December 5, 2022

CASE NAME: Delamor Enterprises, LP, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds

CASE NUMBER: 05-CA-111667

SCOPE: ☒ **Full** ☐ **Partial:**

IF PARTIAL, CATS _____

allegations disposed _____

of by this action: _____

CATS _____

allegations _____

remaining: _____

DATE OF ISSUANCE OF DISMISSAL OR WITHDRAWAL OR DEFERRAL LETTER: _____

DISMISSAL WINDOW	DEFERRAL WINDOW
<p>ADJUSTED: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>DISMISSAL LANGUAGE: <input type="checkbox"/> Short form <input type="checkbox"/> Long form</p>	<p><input type="checkbox"/> COLLYER DEFERRAL: <input type="checkbox"/> Written <input type="checkbox"/> Verbal</p> <p>WILLINGNESS DATE: _____</p> <p><input type="checkbox"/> OTHER DEFERRAL: _____ (specify)</p> <p>DATE PROCESSING RESUMED: _____</p>
WITHDRAWAL WINDOW	SPIELBERG REVIEW WINDOW
<p>CONDITIONAL: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>SOLICITED: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ADJUSTED: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>ORAL: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>IF ORAL, BY: <u>By CP to SFX Seidman</u></p> <p>DATE APPROVED BY RD: _____</p>	<p>DATE REVIEW REQUESTED: _____</p> <p>PARTY REQUESTING REVIEW: <input type="checkbox"/> Charging Party <input type="checkbox"/> Charged Party</p> <p>DETERMINATION: <input type="checkbox"/> Defer to Award <input type="checkbox"/> NOT Defer to Award</p> <p>DETERMINATION DATE: _____</p>
BOARD SETTLEMENT WINDOW	CLOSING INFORMATION WINDOW
<p>PARTICIPATION: <input type="checkbox"/> All Party <input type="checkbox"/> Unilateral</p> <p>If unilateral, date of letter to parties proposing approval: _____</p> <p>Proposed Approval Date: _____</p> <p>Date Approved by RD: _____</p>	<p>METHOD: <input type="checkbox"/> Withdrawal, Adjusted <input type="checkbox"/> Withdrawal, NOT Adjusted <input type="checkbox"/> Dismissal, Adjusted <input checked="" type="checkbox"/> Dismissal, NOT Adjusted</p> <p>TIMING: <input checked="" type="checkbox"/> Before CNH <input type="checkbox"/> After CNH, Before hearing <input type="checkbox"/> After CNH, After hearing opened <input type="checkbox"/> After CNH, After hearing closed</p>
EXPLANATION :	

The Charge alleges the Employer violated Section 8(a)(1) and (3) of the Act by terminating Charging Party, (b) (6), (b) (7)(C), an individual, in (b) (6), (b) (7)(C) 2013 because (b) (6), (b) (7)(C) posts on Face Book violated the Employer's social media policy. The Charging Party Counsel did not contact the Region before 4:15 p.m. on October 31, 2013. As such, a long-form dismissal was processed. (b) (5)

APPROVED

Team Supervisor _____ Date _____ Regional Attorney _____ Date _____

Asst Regional Director _____ Date _____ Regional Director _____ Date _____

Case Name: Delamor Enterprises, LP, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds
Case No. 05-CA-111667
Agent: Field Examiner BISI DEAN

Codes

N/A – No Answer

WCB – Will Call Back

LMCB – Left Message To Call Back

N/I – Not In

LM – Left Message

R/C – Returned Call

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
8/21/13	(b) (6), (b) (7)(C), (b) (6), (b) (7)(C) Karpf, Karpf & Ceruntii, PC, on behalf of (b) (6), (b) (7)(C), Individual	Fax	Filed 8/19 CHG on behalf of CP discriminatee (b) (6), (b) (7)(C). TD 9/23 DD 10/7. 1 st contact within 1-3 days, by 8/22.
8/22	(b) (6), (b) (7)(C) ER Rep (b) (6), (b) (7)(C)@delam orent.com	Phone Phone and Email	BOD inquired as to the identity of the attorney who will be handling this case for the discriminatee. It will be Ari Karpf. (b) (6), (b) (7)(C) scheduled a telephone call for 8/23 at 2pm. BOD asked for (b) (6), (b) (7)(C), listed rep on the Participant List for the ER, however the receptionist stated that (b) (6), (b) (7)(C) out and that usually in (b) (6), (b) (7)(C) is the one to speak to. BOD introduced herself to (b) (6), (b) (7)(C) and explained that a CHG had been filed by a (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said this was all news to (b) (6), (b) (7)(C) so BOD obtained (b) (6), (b) (7)(C) email address and said she would email a copy of the CHG and the DCK letter to the ER. BOD asked if the ER would retain counsel. (b) (6), (b) (7)(C) said he would most likely pass along to their counsel, Todd Shill, of Rhoads & Sinon, LLP out of Harrisburg, PA. tshill@rhoads-sinon.com ph: (717) 231-6665// fx: (717) 260-4365
8/23	Todd Shill, Rhoads & Sinon, LLP tshill@rhoads- sinon.com ph: (717) 231-6665// fx: (717) 260- 4365	Phone for all	Stated that he was going to meet/speak with his client today, but that he was knowledgeable of the termination – the facts are limited and not in dispute. (b) (5)

			<p>(b) (5), (b) (6), (b) (7)(C)</p> <p>[REDACTED]</p>
	<p>Ari R. Karpf akarpf@karpf-law.com</p>		<p>[REDACTED]</p>
(b) (6), (b) (7)(C)	<p>BOD & ALG</p> <p>Katie Beatty and CP [REDACTED]</p>	<p>Attempted Skype, ultimately used phone</p>	<p>BOD and ALG attempted to set up Skype from (b) (6), (b) (7)(C)</p> <p>[REDACTED] The program would not load, and then it would not connect to the desired contact. Successful connection only lasted for):53 seconds before we were connected due to low connectivity (wireless). Similar problems were experienced with using the Ethernet connection.</p> <p>Scheduled videoconference AFF, but after 1 half hour of attempting to get Skype to connect, with permission of NMS, BOD conducted a telephone AFF. Beatty stated they attempted to connect</p>

			with BOD a number of times without success as well. CP did not have GlowPoint. Due to the difficulties, NMS approved BOD's request to conduct interview via telephone.
8/28	Shill	Email	Provided copy of the post, termination notice and social media policy , and his initial position on CHG. See PST.05-CA-111667.ER INTIAL PST - FACTS NOT IN DISPUTE - TERMINATION FOR FB POST - THREAT
8/29	Shill	Email	Confirmed Sup 2(11) status. See LTR.05-CA-111667.ER COUNSEL ON 2(11) STATUS OF CP - YES
9/4	Shill	Email	Provided examples of disciplines issued by CP. See DEV.05-CA-111667.ER PROVIDED EXS OF CP ISSUING DISCIPLINES (WARNINGS & SUSPENSION) NO APPROVAL
	Beatty	Regular Mail	Sent witness list .
9/9	Shill	Email	Provided commerce questionnaire
9/23 - 9/27	NMS & SLS	Email	BOD sent up FIR for review (b) (5) AS of 9/27 NMS informed BOD that the Agenda Committee had not yet reviewed my FIR.
10/1 - 10/16			Federal Government Shutdown.
10/18	SLS, NMS and BOD	Email	(b) (5)
10/21	NMS, SLS and WRG	Email	Sent Fir up again for review and approval from coordinating Region 2.
10/30	WRG, NMS,	Email	Region 2 approved dismissal on the lack of PCA.
10/31	Beatty	Phone	BOD explained analysis of CHG and asked for a decision as to how the CHG should be disposed by COB. BOD provided Beatty with NMS' contact info as she will be traveling for Case 05-CA-114731 after 2pm.
		Email	NMS informed BOD that Beatty did not call before he left so the LF DIS issued.
11/1 to 11/4	Beatty and NMS	Phone	(b) (5) NMS informed BOD upon her return to the office on 11/4 and BOD processed the paper work.

[illegible]



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 5
BANK OF AMERICA CENTER, TOWER II
100 S. CHARLES STREET, SUITE 600
BALTIMORE, MD 21201

Agency Website: www.nlrb.gov
Telephone: (410) 962-2822
Fax: (410) 962-2198

October 31, 2013

Ari R. Karpf, Esq.
3331 Street Road, Suite 128
Bensalem, PA 19020

Katie A. Beatty, Esq.
Karpf, Karpf & Cerutti, P.C.
3331 Street Road
Two Greenwood Square, Suite 128
Bensalem, PA 19020

Re: Delamor Enterprises, LP, d/b/a
McDonalds/Delamor Management, Inc.,
d/b/a McDonalds
Case 05-CA-111667

Dear Mr. Karpf and Ms. Beatty:

We have carefully investigated and considered your charge that Delamor Enterprises, LP, d/b/a McDonalds/Delamor Management, Inc., d/b/a McDonalds has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

The charge alleges the Employer violated Section 8(a)(1) and (3) of the Act by terminating Charging Party (b) (6), (b) (7)(C) in (b) (6), (b) (7) 2013 because (b) (6) posts on Face Book violated the Employer's social media policy. The investigation revealed that upon having to return early from vacation to attend an emergency mandatory meeting, the Charging Party made a post on Face Book which indicated (b) (6) intended to take action against the Employer. Under *Meyers Industries II*, 281 NLRB 882, 887 (1986), concerted activity "encompasses those circumstances where individual employees seek to initiate or to induce or to prepare for group action, as well as individual employees bringing truly group complaints to the attention of management." However, activity which consists of mere talk must, in order to be protected, be talk looking toward group action...if it looks forward to no action at all, it is more than likely to be mere 'griping.' *Whittaker Corp.*, 289 NLRB 933 (1988); *Mushroom Transportation Co.*, 330 F.2d 683, 685 (3d Cir. 1964). Nothing in the Charging Party's post or in the employee's comments indicate or suggest that the Charging Party was seeking to initiate any kind of group action. In (b) (6) post, the Charging Party clearly denotes in (b) (6) final comment that (b) (6) intended to take action against the Employer; not that (b) (6) wanted all employees to take action against the Employer. Accordingly, further proceedings are not warranted and I am dismissing the charge.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **November 14, 2013**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than November 13, 2013.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlrb.gov, click on **E-File Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202) 273-4283. A request for an extension of time to file an appeal **must be received on or before November 14, 2013**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Wayne R. Gold

Wayne R. Gold
Regional Director

Enclosure

cc: General Counsel
Office of Appeals
Franklin Court Building
National Labor Relations Board
1099 14th Street, N.W.
Washington, DC 20570

(b) (6), (b) (7)(C)

Delamor Enterprises, LP, d/b/a
McDonalds/Delamor Management, Inc.,
d/b/a McDonalds
1520 Lincoln Way East
Chambersburg, PA 17201

Todd J. Shill, Esq.
Rhoads & Sinon LLP
One South Market Square
P.O. Box 1146
Harrisburg, PA 17108

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
Room 8820, 1099 - 14th Street, N.W.
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)